

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PAUL K. COMISKEY,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

CIVIL ACTION NO. 09-0252

**ORDER**

**AND NOW**, this \_\_\_\_ day of January, 2010, upon consideration of plaintiff Paul K. Comiskey's motion for summary judgment (docket no. 10), the Commissioner's response thereto, plaintiff's reply, and the Commissioner's sur-reply, and after careful and independent review of the magistrate judge's Report and Recommendation (docket no. 17) and the Commissioner's objections thereto (docket no. 18), **IT IS HEREBY ORDERED** that:

1. the Commissioner's objections are **OVERRULED**;
2. the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa is **APPROVED AND ADOPTED**;
3. plaintiff's motion for summary judgment is **GRANTED IN PART AND DENIED IN PART**; and
3. the matter is **REMANDED** to the Commissioner of Social Security to allow the Administrative Law Judge ("ALJ") to conduct further proceedings consistent with the accompanying memorandum.

s/ William H. Yohn Jr., Judge  
William H. Yohn Jr., Judge